

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

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| Chapter<br>7                                                                                                                                                                                                                                                                                               | Number<br>25 | Effective Date<br>01/24/11           | Review Date<br>2014                                                                                            |
| Subject<br><b>REPORTING ACTS OF TERRORISM AND HATE CRIMES</b>                                                                                                                                                                                                                                              |              |                                      | <input type="checkbox"/> New Order<br><br><input checked="" type="checkbox"/> Replaces<br>G.O. 7-25 (01/02/07) |
| References<br>CALEA 51.1.1a, 82.2.1a, 82.2.1b, 82.2.1e, 82.2.2a, 82.2.2b, 82.2.2c, 82.2.2d, 82.2.2e, 82.2.4<br>Code of Virginia Section 18.2 - §18.2-30; §18.2-38; §18.2-46.4; §18.2-47; §18.2-51; §18.2-58; §18.2-58.1;<br>§18.2-61; §18.2-67.5:2; §18.2-67.5:3; §18.2-77; §18.2-79; §19.2-297.1; §52-8.5 |              |                                      |                                                                                                                |
| <br>_____<br><b>Chief of Police or Designee</b>                                                                                                                                                                           |              | <br>01/24/11<br>_____<br><b>Date</b> |                                                                                                                |

**I. PURPOSE**

The purpose of this directive is to establish the policy and procedure for reporting hate crimes and acts of terrorism, including those committed with biological and chemical weapons.

**II. POLICY**

Homeland Security, including the prevention of hate crimes, is of the utmost importance to all law enforcement agencies, particularly since September 11, 2001. As such and pursuant to state law, it is the policy of the Richmond Police Department to investigate and report, to the ***FBI-JTTF (Federal Bureau of Investigation – Joint Terrorism Task Force) and the Virginia State Police***, any situation or act defined as a hate crime or act of terrorism.

**III. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timeliness set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling ***and/or*** disciplinary action is initiated.

**IV. DEFINITIONS****A. HATE CRIME:**

- (i) A criminal act committed against a person or his/her property with the specific intent of instilling fear or intimidation in the individual against whom the act is perpetrated because of race, religion or ethnic origin, or that is committed for the purpose of restraining that person from exercising his/her rights under the Constitution or laws of the Commonwealth or the United States;

- (ii) Any illegal act directed against any persons or their property because of those persons' race, religion or national origin; and,
- (iii) All other incidents as determined by law enforcement authorities, intended to intimidate or harass any individual or group because of race, religion or national origin. (VA Code §[52-8.5](#)).

B. ACT OF TERRORISM:

An act of violence as defined in clause (i) of subdivision A of §19.2-297.1 *Code of Virginia* (see below list) committed with the intent to:

- (a) Intimidate the civilian population at large; or,
- (b) Influence the conduct or activities of the government of the United States, a state or locality through intimidation. (VA Code §[18.2-46.4](#), §[19.2-297.1](#)).

NOTE: Violations of Chapter 4 (VA Code §[18.2-30](#) et seq.) of Title 18.2 [19.2-297.1 A (i)]

- a. First and second degree murder and voluntary manslaughter under Article 1 (VA Code §[18.2-30](#) et seq.);
- b. Mob-related felonies under Article 2 (VA Code §[18.2-38](#) et seq.);
- c. Any kidnapping or abduction felony under Article 3 (VA Code §[18.2-47](#) et seq.);
- d. Any malicious felonious assault or malicious bodily wounding under Article 4 (VA Code §[18.2-51](#) et seq.);
- e. Robbery under VA Code §[18.2-58](#) and carjacking under VA Code §[18.2-58.1](#);
- f. Except as otherwise provided in VA Code §[18.2-67.5:2](#) or VA Code §[18.2-67.5:3](#), criminal sexual assault punishable as a felony under Article 7 (VA Code §[18.2-61](#) et seq.); or,
- g. Arson in violation of VA Code §[18.2-77](#) when the structure burned was occupied or a Class 3 felony violation of VA Code §[18.2-79](#);

V. PROCEDURE

- A. Officers shall report any incident that, as defined above, suggests criminal conduct and relates to activities that present a threat to the community, whether expressed or implied, by completing a PD-43, Report of Terrorist Acts Form, pursuant to VA Code §[52-8.5](#), and forwarding it immediately to the Homeland Security/*Criminal Intelligence (HSCI)* Unit regardless of whether a criminal offense has been committed or not.
- B. An officer shall compile an Incident Based Report (IBR) if any criminal offense, i.e. Assault, Robbery, etc. is committed in conjunction with the hate crime or act of

- terrorism, and send it through normal channels for investigation. The officer shall make a copy of the IBR Report and forward it to the **HSCI** Unit along with the PD-43 form.
- C. The supervisor shall determine whether the **HSCI** Unit should respond to the scene. This may occur if there are cooperating witnesses or if the scene is so large as to require additional investigators.
  - D. The **HSCI** Unit shall review the PD-43 form, make an appropriate investigation, if necessary, and forward the final copy to the Virginia State Police.

VI. FORMS

(PD-43) Report of Terrorist Acts